

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

THE PROCTER & GAMBLE COMPANY,)	
)	
Plaintiff,)	Civil Action No. 9:08-cv-00143-RC
)	
v.)	
)	
S.C. JOHNSON & SON, INC.,)	
)	
Defendant.)	
)	

STIPULATION AND ORDER OF DISMISSAL

Upon the consent of The Procter & Gamble Company (“P&G”) and S.C. Johnson & Son, Inc. (“SCJ”), the Court issues the following Stipulation and Order of Dismissal (“Order”):

1. This is an action by P&G on the following claims: (i) infringement of U.S. Patent No. 5,783,544; (ii) infringement of U.S. Patent No. 6,077,318; and (iii) infringement of U.S. Patent No. 6,248,135.

2. SCJ raised various defenses and counterclaimed in this action on the following claims: (i) declaratory judgment of noninfringement of U.S. Patent Nos. 5,783,544, 6,077,318 and 6,248,135; (ii) declaratory judgment of invalidity of U.S. Patent Nos. 5,783,544, 6,077,318 and 6,248,135; (iii) and declaratory judgment of unenforceability of U.S. Patent No. 5,783,544.

3. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338(a) and 2201–02.

4. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) because SCJ, for purposes of this action, is subject to personal jurisdiction in this District and because P&G has availed itself of this Court.

5. P&G and SCJ have agreed to settle their disputes in this action.

6. P&G consents to dismissal with prejudice of all of its claims in this action, Claims I–III.

7. SCJ consents to dismissal as moot and without prejudice of its defenses and counterclaims in this action, Counterclaims I–III.

WHEREFORE IT IS ORDERED as follows:

1. P&G’s Claims I–III are hereby dismissed with prejudice.
2. SCJ’s defenses and Counterclaims I–III are hereby dismissed as moot and without prejudice.
3. P&G and SCJ shall each bear their own attorney fees and costs incurred in connection with this action.

Dated: August 25, 2009

/s/ David M. Maiorana

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this pleading was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rules CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by regular mail on this the 25th day of August, 2009.

/s/ David M. Maiorana
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